

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 88-134

CITY AND COUNTY OF SAN FRANCISCO

REQUIRING THE CITY AND COUNTY OF SAN FRANCISCO TO CEASE AND DESIST DISCHARGING WASTE FROM ITS RICHMOND-SUNSET WATER POLLUTION CONTROL PLANT AND FROM ITS SOUTHWEST OCEAN OUTFALL CONTRARY TO EFFLUENT LIMITATIONS IN ORDER NO. 88-106 (NPDES PERMIT)

The California Regional Water Quality Control Board, San Francisco Bay Region (Board) finds that:

1. On July 18, 1984, the Board adopted Order No. 84-45, NPDES Permit No. CA0037681, prescribing waste discharge requirements for the City and County of San Francisco (City) for its Richmond-Sunset Water Pollution Control Plant. On June 15, 1988, the Board adopted Order No. 88-106, revising waste discharge requirements for the City for the same discharge (Westside Treatment Facility and Southwest Ocean Outfall).
2. On July 18, 1984, the Board adopted Order No. 84-46, requiring the City to cease and desist discharging waste or threatening to discharge waste contrary to requirements in Order No. 84-45 and another Board order.
3. The City requested a waiver from secondary treatment for its Richmond-Sunset WPCP pursuant to Section 301(h) of the Clean Water Act in September 1979. The U.S. Environmental Protection Agency (EPA) gave its tentative approval on September 30, 1986. The Board gave final state concurrence by adopting waste discharge requirements in Order 88-106. EPA issued the 301(h) permit on July 7, 1988. The 301(h) permit derives effluent limitations from the State Board's Water Quality Control Plan for Ocean Waters of California (Ocean Plan, Tables A and B). The permit was stayed by requests for an EPA evidentiary hearing, which were received during the 33-day appeal period ending August 9. These requests had no effect on the waste discharge requirements of Order No. 88-106.
4. The City completed its ocean outfall in 1986 and began discharging Richmond-Sunset WPCP effluent to federal waters via the new outfall in September, 1986. On December 18, 1986, EPA ruled that the Board's waste discharge requirements for this discharge (Order 84-45) did not apply to the relocated discharge, and issued Administrative Order No. IX-FY87-7. The Administrative Order set interim effluent limitations. The Administrative Order will automatically expire upon the effective date of the 301(h) permit, although EPA staff have said they will rescind the Administrative Order as soon as the discharger is subject to a state enforcement order.
5. Section 13301 of the Water Code authorizes the Board to issue a Cease and Desist Order when it finds that a waste discharge is occurring or threatening to take place in violation of requirements or prohibitions prescribed by the Regional Board or State Board.

6. The City is violating or threatening to violate several effluent limitations in Order No. 88-106 (item B.1.a):

<u>Parameter</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
Suspended solids (mg/l)	60	90	120
Grease and oil (mg/l)	25	40	75

7. The effluent limitations being violated by the City are based on state water quality standards. The Clean Water Act establishes a deadline of July 1, 1977, for compliance with requirements based on state water quality standards, regardless of when the standards were established. Because this deadline has passed, a compliance schedule must be part of an enforcement order instead of the respective NPDES permit. The Clean Water Act establishes a deadline of July 1, 1988, for compliance with requirements based on secondary treatment; this date has also passed.
8. EPA, as a condition of not requiring a consent decree for the above-noted violations, requested that the state's enforcement order include stipulated penalties. The Board intends to consider stipulated penalties for the City in a separate enforcement action at a later meeting.
9. The City has made good progress in coming into compliance with the 301(h) permit for ocean discharge. The City completed project planning and environmental review in early 1988, deciding to build a new Westside Treatment Facility at the Southwest site in order to meet Ocean Plan requirements. The proposed plant will be sized to provide full secondary treatment, although the City intends to provide only partial secondary treatment, consistent with its 301(h) permit. The Richmond-Sunset plant will be closed when the new plant is put into service. The City has completed the 50% design for the Westside treatment facility, which will cost over \$100 million.
10. The City raised its average monthly sewer service charge by 25% (from \$5.77 to \$7.97 per average residence) over the last four years to help finance this and other wastewater projects in San Francisco. Curtailment of the federal Clean Water Grants program and its conversion to a revolving loan program will result in a larger local share. The City will pay for the Westside Treatment Facility and other remaining wastewater projects using a combination of state and federal grants, state and federal loans, and local debt. The City proposes a 10% increase in the sewer service charge over each of the next five years in order to finance the additional debt.
11. This action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency CEQA Guidelines.
12. The City and interested persons have been notified of the Board's intent to take this enforcement action, and have been provided an opportunity to submit written comments and appear at the public hearing. At a public

meeting on August 17, 1988, the Board heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED THAT:

- A. The City and County of San Francisco (City) shall cease and desist from discharging waste or threatening to discharge waste contrary to the effluent limitations cited in Finding 6 above in accordance with the time schedule contained in this Order.
- B. The City shall achieve compliance with the effluent limitations of Order 88-106 with respect to suspended solids and grease/oil according to the following time schedule:

1. New Westside treatment facility

<u>Task</u>	<u>Completion Date</u>
a. Complete design	May 1, 1989
b. Start construction	July 1, 1990
c. Complete construction	December 1, 1993
d. Achieve full compliance	June 1, 1994

- C. The City shall comply with the following interim effluent limitations for suspended solids and grease/oil pending the completion of tasks identified in section B. This order will have no effect on other effluent limitations or requirements of Order No. 88-106 that are already in effect.

<u>Parameter</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
Suspended solids (mg/l)	100	150	200
Grease and oil (mg/l)	45	67	90

- D. The Board will consider revising the schedules in this Order if conditions substantially beyond the City's control delay task completion.
- E. The City shall submit a regular status report to the Board. The report will be due on the 15th day of each month. The report should describe progress toward compliance with schedules in this Order. If non-compliance or threatened non-compliance is being reported, the City should provide reasons for non-compliance and an estimated compliance date. Every third report (January 15, April 15, July 15, and October 15) should include a comparison of estimated and scheduled completion dates for each of the dates in this Order.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 17, 1988.

A handwritten signature in dark ink, appearing to read 'Steven R. Ritchie', written in a cursive style.

STEVEN R. RITCHIE
Executive Officer